

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Whitney Beber	Team: Squad #8	CCRB Case #: 201804764	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Thursday, 06/14/2018 8:20 AM	Location of Incident: [REDACTED]	Precinct: 47	18 Mo. SOL 12/14/2019	EO SOL 12/14/2019	
Date/Time CV Reported Thu, 06/14/2018 10:31 AM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Thu, 06/14/2018 10:31 AM		

Complainant/Victim	Type	Home Address
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]

Witness(es)	Home Address
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]

Subject Officer(s)	Shield	TaxID	Command
1. POF Elizabeth Stevens	06316	940770	047 PCT
2. Officers			047 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Matthew Strawn	20637	959273	047 PCT
2. POF Janet Rivera	03541	961171	047 PCT

Officer(s)	Allegation	Investigator Recommendation
A. Officers	Abuse: Officers stopped § 87(2)(b) [REDACTED]	[REDACTED]
B.POF Elizabeth Stevens	Abuse: Police Officer Elizabeth Stevens stopped § 87(2)(b) [REDACTED]	[REDACTED]
C.POF Elizabeth Stevens	Abuse: Police Officer Elizabeth Stevens threatened to arrest § 87(2)(b) [REDACTED]	[REDACTED]

## Case Summary

§ 87(2)(b) filed the following complaint with the Civilian Complaint Review Board (CCRB) via the online website on June 14, 2018. On June 14, 2018, the CCRB received the complaint.

On June 14, 2018, at approximately 6:30 a.m., § 87(2)(b) was with her daughters, § 87(2)(b) and § 87(2)(b), and her sons, § 87(2)(b) and § 87(2)(b) inside of their apartment located at § 87(2)(b) in the Bronx. At approximately 7:38 a.m. § 87(2)(b) looked out of a window and saw that there were police officers outside. At approximately 8:04 p.m. § 87(2)(b) woke § 87(2)(b) and at approximately 8:20 a.m. she sent him to Big Brother Deli. As § 87(2)(b) was returning from Big Brother Deli and before he reached his front door, Police Officer Elizabeth Stevens of the 47<sup>th</sup> Precinct and several unidentified officers allegedly stopped § 87(2)(b) outside of his residence (**Allegations A and B, Abuse of Authority**, § 87(2)(g) and § 87(2)(g)). § 87(2)(b) went downstairs and saw § 87(2)(b) surrounded by approximately five officers. An officer informed her that they received a report that her sons jumped out of a cab and ran into her building. Police Officer Stevens told § 87(2)(b) that it was her son and told her that they had him on camera. She told § 87(2)(b) that, “If I review the cameras and we see it’s him, I’m arresting him on the spot,” (**Allegation C, Abuse of Authority**, § 87(2)(g)).

No arrest was made and no summons was issued.

No video footage was obtained for this incident.

## Findings and Recommendations

**Allegation (A) Abuse of Authority: Officers stopped § 87(2)(b)**

**Allegation (B) Abuse of Authority: Police Officer Elizabeth Stevens stopped § 87(2)(b)**

**Allegation (C) Abuse of Authority: Police Officer Elizabeth Stevens threatened to arrest**

§ 87(2)(b)

As per § 87(2)(b)'s telephone statement, on June 14, 2018, she was at home at § 87(2)(b) in the Bronx with her daughters, § 87(2)(b) and § 87(2)(b), and her sons, § 87(2)(b) and § 87(2)(b). At approximately 7:38 a.m. § 87(2)(b) looked out of her window and saw police officers and a cab driver across the street. At approximately 8:04 a.m. she woken § 87(2)(b). She sent § 87(2)(b) to get change from the store located on the corner of East 214<sup>th</sup> Street and Barnes Street. § 87(2)(b) had not been gone more than five minutes when the doorbell rang. § 87(2)(b) informed her that it was the police and that they had § 87(2)(b) in front of the building. There were approximately six police officers with § 87(2)(b). The officers told § 87(2)(b) that a cab driver told them that someone just jumped out of his cab and ran into § 87(2)(b)'s house. As the officers and the cab driver were approaching § 87(2)(b)'s door, the officers pointed to § 87(2)(b) and asked the cab driver if it was “him.” The cab driver replied no. § 87(2)(b) told the officers that she had just woke § 87(2)(b) and that the person they were looking for was not her son. The officers told § 87(2)(b) that her son exited the cab. § 87(2)(b) told

the officer that the person they were looking for was not her son and that her building had cameras. PO Stevens continued to insist that her son was guilty. Officers told § 87(2)(b) to close the door and go upstairs. Approximately within a minute of going upstairs, § 87(2)(b)'s doorbell rang again. PO Stevens told § 87(2)(b) that if she “viewed the cameras and [saw that] it was [her] son, I’m arresting him right now.” § 87(2)(b) told PO Stevens that it was not her son again. PO Stevens also told § 87(2)(b) that they were not going to arrest § 87(2)(b) that day but that something was going to happen to him eventually.

§ 87(2)(b)'s sworn statement was largely consistent with her telephone statement, with the following exceptions (Board Review 01). At approximately 8:20 a.m. she sent § 87(2)(b) to the store at 214<sup>th</sup> Street and Barnes Avenue. When § 87(2)(b) went downstairs she saw § 87(2)(b) surrounded by approximately five officers.

As per § 87(2)(b) telephone statement, at approximately 8:20 a.m. he returned to his home at § 87(2)(b) from walking his sister to school. At that point he encountered § 87(2)(b) leaving the building. Once § 87(2)(b) returned upstairs he saw officers talking to a male. The officers started walking towards their house. The officer rang the doorbell. As he was going downstairs, § 87(2)(b) was coming back in. The officers asked § 87(2)(b) if there were any other people in their house at the time. PO Stevens asked § 87(2)(b) if § 87(2)(b) was his brother. An officer asked a taxi driver if he and his brother were the “guys.” The taxi driver replied, “No,” and he went upstairs. He was not sure if § 87(2)(b) followed. Once they were inside, § 87(2)(b) went downstairs. He did not hear anyone mention arresting anyone.

As per § 87(2)(b) telephone statement, between 8:05 a.m. and 8:10 a.m. he went downstairs to go to Big Brother Deli. As he was returning to his house, he noticed the police were closer to his house with a Hispanic male, he believed to be a taxi driver. When he reached the front door of his house, he was stopped by the police officers. PO Stevens asked the taxi driver, “Is this him?” Five other officers asked this same question. All the officers told § 87(2)(b) to, “Hold on,” and “Stop,” “You’re not going anywhere yet,” and “We’re about to see if this is you.” PO Stevens had her hand in front of the walk way to his house so that he could not go upstairs. The taxi driver continually replied that it was not § 87(2)(b). § 87(2)(b) believed that his mother started yelling because the officers kept saying that they were going to take her son, and told her that they had him on camera. § 87(2)(b) heard an officer, who he believed to be PO Stevens say, “If we don’t get him now, something is going to happen to him, I don’t know if it’s right now or I don’t know if it’s later.” § 87(2)(b) did not actually see her make this statement because his back was to the officers. § 87(2)(b) heard officers mention arrest on two occasions. The first was when the officers said they saw him “hop out of a cab,” and the second was when officers told § 87(2)(b) that they were going to arrest him. He could not describe the officers who stated that they would arrest him. He stated he was not sure but believed it was an officer he described as an approximately 5’4” tall uniformed black male with an average build, low cut black or brown hair without facial hair in his thirties.

As per PO Steven’s statement on June 14, 2018, at approximately 8:00 a.m. she and Police Officer Matthew Strawn of the 47<sup>th</sup> Precinct received a call for a dispute or fight with a knife at 807 East 215<sup>th</sup> Street in the Bronx (Board Review 02). The call also stated that black males

jumped out of a cab. When PO Stevens and PO Strawn arrived, there were already officers present. When they arrived, they spoke to the cab driver who informed them that a couple of children jumped out of his cab and ran in to 807 East 215<sup>th</sup> Street. PO Stevens and PO Strawn walked with the cab driver to 807<sup>th</sup> East 215<sup>th</sup> Street. After speaking to residents of that building, as she was returning downstairs, PO Stevens saw officers at the apartment next door at what she believed to be 805 East 215 Street. The officers did not say they had stopped any black males or children prior to speaking to the landlord. PO Stevens did not stop § 87(2)(b) or any black male at § 87(2)(b) and she did not see any other officer do so. PO Stevens went to the second floor of § 87(2)(b) to speak to the landlord. § 87(2)(b) was in the hallway yelling and screaming when she arrived at § 87(2)(b). She was yelling, “It wasn’t my son, he did not have anything to do with this,” and mentioned that her children were home all day sleeping. No officers accused § 87(2)(b)’s children of having run out of the cab. PO Stevens never told § 87(2)(b) that if she reviewed the video footage and it was her son, they would arrest him. PO Stevens did not hear any officer threaten to arrest § 87(2)(b)’s son.

PO Strawn’s statement is consistent with PO Stevens up to the point when he left 807<sup>th</sup> East 215<sup>th</sup> Street (Board Review 03). Once he left 807 East 215<sup>th</sup> Street, he went to § 87(2)(b). PO Strawn remained outside while PO Stevens was inside. While he was outside he did not learn from any officers that had been at the location whether they stopped anyone coming in or out of 805 E. 215<sup>th</sup> Street. While outside PO Strawn said, “Good Morning,” to a male coming around a corner. When the male returned his greeting, he asked “Where are you coming from?” PO Strawn described the male as a 16 -17-year old black male. He told PO Strawn he was coming from the store. That was the end of the conversation. PO Strawn did not remember where the male went after their interaction. PO Strawn stated during the interview that the male was not a suspect and he was free to leave. After PO Strawn talked to the cab driver, he went to the front of the door to get PO Stevens. He told her that the cab driver did not want to make a report and that he was going to go to civil court. PO Strawn saw a female, identified as § 87(2)(b) yelling and screaming. The female was on the phone and he did not hear her and PO Stevens speak. PO Strawn never heard PO Stevens tell § 87(2)(b) that her son was on camera jumping out of a cab and accuse her son of having done so. PO Strawn did not hear PO Stevens tell § 87(2)(b) that if she reviewed the camera and it was her son, she would arrest him on the spot. PO Strawn did not hear any officer threaten to arrest § 87(2)(b).

As per Police Officer Janet Rivera of the 47<sup>th</sup> Precinct, she was backing the unit assigned to Sector A when she responded to 807 East 215<sup>th</sup> Street in the Bronx with her partner, Police Officer Pepen of the 47<sup>th</sup> Precinct (Board Review 03). When they arrived, there was a Hispanic male cab driver who stated that he picked up and dropped off four teenagers in the Bronx and that one displayed a knife and tried to rob him and before running out of the cab into a multi-dwelling home which the cab driver identified. PO Janet Rivera, PO Joel Pepen, PO Matthew Strawn and PO Elizabeth Stevens entered and canvassed the building of 807<sup>th</sup> East 215<sup>th</sup> street. The cab driver determined that the individuals he saw on the first floor were not the black males against whom he had made allegations. On the second floor, they spoke to some black males who looked approximately 18 years old. The cab driver was not sure if those teenagers were the individuals who were in his cab. On the third floor, an older black woman opened the door. PO Stevens explained to her what had occurred and that the victim wanted to make sure that the perpetrator

was not in the house. The woman said that her children were sleeping at the time in question. PO Rivera did not hear an officer say, “If I review the cameras and I see him, I’m arresting him on the spot.” PO Rivera did not stop anyone aside from canvassing the apartment. PO Rivera did not see any officers try to prevent a young black male from entering the apartment by holding their hand out. Arrest was not mentioned to any of the people the officers spoke to inside of the building.

§ 87(2)(b) described PO Stevens as an approximately 5’6”-5’7” tall, uniformed black female with an average build, brown hair styled in braids and in her mid-thirties. In her sworn statement § 87(2)(b) described her as an approximately 5’4” tall uniformed black female with an average build, with her hair styled in short burnt orange and black twists, brown eyes in her late thirties or early forties. In her telephone statement § 87(2)(b) described PO Steven’s hair as being styled in either twists or dreadlocks. At the time of the incident PO Stevens was a § 87(2)(b) old black female who stood 5’4” tall with brown eyes. In her MOS photograph she is seen with brown dreadlocked hair. Because the descriptions § 87(2)(b) and § 87(2)(b) provided closely correspond to PO Stevens listed pedigree information, Allegations B and C are being pleaded against her.2033

§ 87(2)(g)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

The New York State Penal Law 165.15 states that a person is guilty of theft of service when they attempt to obtain taxi transportation service without payment or to avoid payment of the lawful charge for the transportation which has been rendered to him by force, intimidation, stealth, deception or mechanical tampering, or by unjustifiable failure or refusal to pay (Board Review 05).

§ 87(2)(g)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

### **Civilian and Officer CCRB Histories**

- This is the first CCRB complaint to which § 87(2)(b) has been a party.
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- Police Officer Stevens has been a member of service for 13 years and has been a subject to one CCRB complaint and two allegations, none of which were substantiated. § 87(2)(g)

\_\_\_\_\_  
 \_\_\_\_\_

### Mediation, Civil and Criminal Histories

- § 87(2)(b) \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_ (Board Review 06).
- According to OCA, § 87(2)(b) \_\_\_\_\_ has no history of conviction in New York City (Board Review 07).
- On August 30, 2018, this case was sent to mediation and on October 1, 2018, the case was returned to investigation as the complaint was no longer eligible for mediation due to MOS rejection.
- Submitted a notice of claim from the New York City Comptroller's Office, which will be added to the case file upon receipt.

Squad No.: \_\_\_\_\_

Investigator:	_____	_____	_____
	Signature	Print Title & Name	Date

Squad Leader:	_____	_____	_____
	Signature	Print Title & Name	Date

Reviewer:	_____	_____	_____
	Signature	Print Title & Name	Date